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UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

WAHYU SANJOYO,)

Defendant.)

Case No: 3:17-cr-00027-SLG-DMS

UNOPPOSED MOTION TO CONTINUE TRIAL
(Filed on shortened time)

COMES NOW Defendant Wahyu Sanjoyo, by and through his counsel of record, Michael A. Moberly of Hozubin, Moberly, Lynch & Associates, and hereby moves the Court for a continuance of His Trial, currently scheduled to occur September 11, 2017 at 9:00 AM and to use the Pre-Trial Conference scheduled for August 28, 2017 at 3pm as a scheduling conference. A period of excludable delay under 18 U.S.C. §3161(h)(1)(D) and/or (h)(7)(A) will occur as a result of the filing of this motion. As of the date of this motion, 38 days remain before trial must begin pursuant to the Speedy Trial Act.

Mr. Sanjoyo was charged by Complaint¹ on March 1, 2017, and arraigned on Indictment² on March 28, 2017. The bulk of discovery was received shortly thereafter, but the government disclosed 31 search warrants related to the case on May 8, 2017. As of yet, no further discovery related to those search warrants has been provided. Once received, time is needed to apply any redactions necessary in order to provide the discovery to Mr. Sanjoyo. Mr. Sanjoyo needs time in which to review his discovery, and then to have informed discussions with counsel as to how he wishes to proceed with his case.

A continuance is necessary for the ends of justice to be served, which outweigh the best interests of the public and the defendant in a speedy trial:

- 1) the failure to grant such a continuance in the proceeding would be likely to make a continuation of such proceeding impossible, or result in a miscarriage of justice³; and
- 2) the failure to grant such a continuance in a case which, taken as a whole, is not so unusual or so complex . . . would deny counsel for the defendant [and the defendant, himself] . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.⁴

¹ Docket No. 1.

² Docket No. 11.

³ 18 U.S.C. §3161(h)(7)(B)(i).

⁴ 18 U.S.C. §3161(h)(7)(B)(iv).

For the reasons stated above, Mr. Sanjoyo asks that the Trial be continued, and that his August 28, 2017 hearing be changed to a Status/Scheduling Hearing in order to discuss appropriate dates. This continuance would effectively extend the Speedy Trial deadline by an additional 28 days or more.

On August 17, 2017, and again on August 28, 2017, undersigned counsel spoke with Kelly Cavanaugh, the assigned Assistant United States Attorney, regarding this requested continuance, and he did not oppose this request. Because this motion is unopposed, and the court dates as presently set fall within the normal response times for motion practice, Mr. Sanjoyo respectfully requests that this motion be heard on shortened time.

DATED this 28th day of August, 2017.

HOZUBIN, MOBERLY, LYNCH & ASSOCIATES
Attorneys for Defendant Wahyu Sanjoyo

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CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of August 2017, a true and correct copy of the foregoing was electronically served on the following:

PARTIES OF RECORD

HOZUBIN, MOBERLY, LYNCH & ASSOCIATES

By: /s/ Michael A. Moberly
9100.626/court docs/Mtn to Continue Trial

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